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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,343	12/29/2000	John R. Stefanik	00336	8808

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EXAMINER

NGUYEN, NAM V

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 11/18/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/751,343	STEFANIK, JOHN R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nam V Nguyen	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9 . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION**

This communication is in response to applicant's response to an Amendment A which is filed August 21, 2003.

An amendment to the claims 1-2, 5, 7 and 10 has been entered and made of record in the application of Stefanik for a "remote control device with feedback apparatus" filed December 29, 2000.

Claims 1-10 are pending.

***Response to Arguments***

Applicant's amendment and arguments with respect to claims 1 and 7, filed August 21, 2003 have been fully considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahm (US# 5,949,351) in view of Goldstein (US# 5,410,326).

Referring to claims 1 and 7, Hahm discloses a remote control device (100) (column 3 lines 53 to 64; see Figure 1), comprising:

A feedback device (i.e. receiving and processing circuitry) (see Figures 11 and 12) for receiving signals from an electronic device (120, 130 or 140) (column 3 lines 56 to column 4 lines 14; column 7 lines 1 to 23; column 8 lines 7 to 27), the feedback device including:

A receiver (311) (column 7 lines 1 to 23; see Figures 11 and 12);

A processor (305) in communication with the receiver (311) (column 7 lines 1 to 23; column 7 lines 40 to 52); and

An output device (301) (i.e. the display circuitry) in communication with the processor (305) (column 7 lines 1 to 23; column 7 lines 40 to 52).

However, Hahm did not explicitly disclose wherein the output device includes a speaker, and wherein the speaker is configured to receive an activation signal from the processor and to emit an audible signal indicative of the signal from the electronic device.

In the same field of endeavor of remote control device for electronic consumer product, Goldstein teaches that wherein the output device includes a speaker (38) (column 7 lines 56 to column 8 line 19; see Figures 1-2), and wherein the speaker (38) is configured to receive an activation signal from the processor (95) (i.e. GLUE logic with CPU control signals) and to emit an audible signal indicative of the signal from the electronic device (6 to 9) (column 13 lines 20 to 45; see Figure 10) in order to announce digital messages for the user or indicate a beeping sound when the universal remote control device has been misplaced.

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One of ordinary skilled in the art recognizes the need to use a speaker to emit an audible signal indicative of the signal from the electronic device of Goldstein with the output display of the status of the function of the controlled apparatuses of Hahm because Hahm suggests it is desired to indicate the status of the received function on the display screen or by an LED for displaying the state of controlling apparatus (column 7 lines 1 to 23) and Goldstein teaches a speaker connects to the processor to announce the digital messages from the electronic device (column 13 lines 35 to 45; see Figure 10) in order to broadcast as an audio message over an internal speaker of the remote control device. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use a speaker to emit an audible signal indicative of the signal from the electronic device of Goldstein with the output display of the status of the function of the controlled apparatuses of Hahm with the motivation for doing so would have been to indicate an output message with an audible signal in the remote control device for the user.

Referring to claims 2 and 10, Hahm in view of Goldstein disclose the device of claims 1 and 7, wherein the output device (103) includes at least one of a light source, an LCD display and LED display (column 7 lines 15 to 23).

Referring to claims 3 and 4, Hahm in view of Goldstein disclose the device of claim 1, wherein the feedback device (i.e. receiving and processing circuitry) is located in or on a housing of the remote control device (100) (see Figure 1).

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Referring to claim 6, Hahm in view of Goldstein disclose the device of claim 1, wherein the remote control device (100) is a universal remote control device (i.e. for plural numbers of apparatuses) (column 1 lines 51 to 65; see Figure 1).

Referring to claim 8, Hahm in view of Goldstein disclose the device of claim 7, further comprising an input device (307) (i.e. input keypad) in communication with the processor (305) (column 7 lines 1 to 10; see Figure 11).

Referring to claim 9, Hahm in view of Goldstein disclose the device of claim 7, further comprising a storage area (316) (i.e. memory) in communication with the processor (305) (column 7 lines 24 to 39; see Figure 11).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hahm (US# 5,949,351) in view of Goldstein (US# 5,410,326) as applied to claim 1 above, and in view of Darbee et al. (US# 6,002,450).

Referring to claim 5, Hahm in view of Goldstein discloses the device of claim 1, however, Hahm in view of Goldstein did not explicitly disclose wherein the feedback device is for displaying one of a weak signal indication and a low battery power indication.

In the same field of endeavor of remote control device, Darbee et al. teach that feedback device is for displaying one of a weak signal indication and a low battery power indication

(column 5 line 66 to column 6 line 2; column 6 lines 41 to 43; see Figure 5) in order to obtain the status of the battery level.

One of ordinary skilled in the art recognizes the need to display the status of the level of the battery of Darbee et al. in the display of the status of the function of the controlled apparatuses of Hahm in view of Goldstein because Hahm suggests it is desired to indicate the status of the received function on the display screen or by an LED for displaying the state of controlling apparatus (column 7 lines 1 to 23) and Darbee et al. teach that the when the power level of the battery is low when operating the remote control, the low battery indication is popup on the screen in order to notify the user to replace the battery. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to display the status of the level of the battery of Darbee et al. in the display of the status of the function of the controlled apparatuses of Hahm in view of Goldstein with the motivation for doing so would have been to avoid interruption of using the remote control device when the power level of battery is low.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen  
November 9, 2003



MICHAEL HORABIK  
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